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FIRM RESUME

Roddy Klein & Ryan ("RKR"), located in Boston, Massachusetts, specializes in the representation of consumers in individual and class action cases against mortgage lenders, finance companies, debt collectors, utilities, and others. RKR has obtained several hundred million dollars in restitution and debt forgiveness for consumers by successfully asserting claims under state and federal consumer protection laws on their behalf.

The firm is presently court appointed co-lead counsel in three major Multidistrict Litigation proceedings addressing mortgage lending abuses and mortgage discrimination:

- *In Re Ameriquest Mortgage Co. Mortgage Lending Practices Litigation*, MDL No. 1715 (N.D. Ill.)
- *In re Wells Fargo Mortgage Lending Practices Litigation*, 08-cv-1930 MMC (N.D. Cal.)
- *In re Countrywide Financial Mortgage Lending Practices Litigation*, MDL No. 1974 JGH (W.D. Ky.)

The firm has also litigated and resolved dozens of groundbreaking consumer protection and civil rights class actions. A partial listing of the firm's litigated cases includes the following:

- *Allen v. Decision One Mortgage Co., LLC and HSBC Finance Corp, Inc.*, C.A. NO. 07-11669 GAO (D. Mass.) (classwide monetary remedies and injunctive relief for mortgage lending discrimination).
- *Cummins v. H & R Block, Inc., et al.*, Case No. 03-C-134 (Kanawha County, West Virginia) (\$5.8 million settlement on behalf of state-wide class of Ohio consumers who obtained H&R Block tax refund anticipation loans. This settlement was consolidated with a nationwide settlement of the same claims, providing \$62.5 million nationwide);
- *In re Household Lending Litigation*, Case No. C 02-1240 CW (N.D. Cal.) (\$172 million settlement on behalf of nationwide class of home mortgage borrowers injured by predatory mortgage lending practices);
- *Curry v. Fairbanks Capital Corporation*, 03-10875-DPW (D. Mass.) (\$55,000,000 settlement of nationwide class action based on predatory loan servicing practices on behalf of class of 750,000 borrowers);
- *Coleman v. GMAC*, Civ. No. 3-98-0211 (M.D. Tenn.) (class action settlement in favor of nationwide class of minority consumer car buyers for violations of Equal Credit Opportunity Act);
- *Mey v. Herbalife*, Civil Action Number, 01-263M (Ohio County, W. VA) (class settlement of claims under the telephone consumer protection act).
- *Pettway v. Harmon Law Offices PC*, Civil Action No. 03-10932 (D. Mass) (class settlement of claims for overcharges against foreclosure law firm).
- *Sanders v. NCO*, C.A. No. 06-11059 (D. Mass) (class settlement of claims under the FDCPA and state law for harassing debt collection contacts)
- *Vieau v. AGFA Corp.* Civil Action No. 06-11320 (D. Mass) (class action settlement providing remedies for failure to provide

necessary maintenance service to lessors of digital photographic processing equipment);

- *Du v. Worldcom*, Case No. 02-13533 (US Bankruptcy Court, SDNY) (settlement i Chapter 11 bankruptcy proceedings on behalf of nationwide class of MCI/WorldCom subscribers subject to promotion promising free minutes);
- *Lowe v. Ford Motor Credit*, Case No. 99 CVF 15806 (Cuyahoga County, Ohio) (\$22 million settlement on behalf of state-wide class of car owners subject to flawed repossession practices);
- *Claudio v. Lance Acceptance Corp.*, Case No. 04 CVF 137406 (Lorain County, Ohio) (\$5.6 million settlement on behalf of state-wide class of car owners subject to flawed repossession practices);
- *Sanborn v. Nicholas Financial, Inc.*, Case No. 04 CVI 6969 (Cleveland Municipal Court, Ohio) (\$1.3 million settlement on behalf of state-wide class of car owners subject to flawed repossession practices);
- *Mendez v. Island Finance Corporation*, 03-1075-JAF (D. P.R.) (\$1,500,000 settlement of class action alleging violations of the Truth in Lending Act);
- *Torres v. Associates Financial Services, et al*, CN 03:2003 cv 01135 (D. P.R.) (pending class action settlement in favor of class of homeowners in Puerto Rico who received truth in lending disclosures which understated the cost of the loan);
- *Horowitz v. Boch Motor, Inc., et al*, Norfolk Superior Court, Massachusetts, Civ. No. 01-659 (settlement on behalf of statewide class of consumer car buyers for violations of law prohibiting certain practices in sale of ancillary theft deterrent products);
- *Cason v. Nissan Motor Acceptance Corp*, Civ. No. 3-98-0223 (M.D. Tenn.) (class action settlement in favor of nationwide class of minority consumer car buyers for violations of Equal Credit Opportunity Act);

- *Dwyer et al. v. NSTAR, Inc. et al.*, No. SUCV2001-01817 (Ma. Sup.) (class action settlement of consumer claims related to utility overcharge based on misclassification of billing rate);
- *Lewis v. National Grid [USA], Inc.*, Hampshire Superior Court, Civil Action No. 01-0232 (class action settlement in favor of regional class of utility customers);
- *Garoaian v. Stop & Shop Companies, Inc.*, Middlesex Superior Court, Massachusetts, 03-CV-4702 (settlement on behalf of class of consumers who overpaid for groceries because of scanning errors);
- *Brown v. Gibraltar Savings Bank, et al.*, No. L-710-99, Superior Court of New Jersey, Law Division, Cumberland County and *Carrasco v. Parkway Mortgage and Fidelity Security Life Ins. Co.*, No. L- 00-4815-99, Superior Court of New Jersey, Law Division, Camden County (consolidated class action settlement in favor of statewide class of credit insurance purchasers refunding unearned premiums);
- *Coley v. Guarantee Trust Life Ins. Co.*, No. 99-006680, Circuit Court of Cook County Illinois, Chancery Division (certified class in favor of statewide class of credit insurance purchasers to obtain refunds of unearned premiums, obtained summary judgment determination on behalf of class);
- *Patton v. JB Robinson Jewelers, Inc., et al.*, CA No. 97-C-4151, United States District Court for the Northern District of Illinois and *York v. Weisfields Jewelers, Inc., et al.*, CA No. 98-C-5227, United States District Court for the Northern District of Illinois s [MDL No. 1192] (class action settlement in favor of nationwide class of financed jewelry purchasers);
- *Migut v. Tandy Corporation*, No. 97-C-4800, United States District Court for the Northern District of Illinois (class action settlement in favor of nationwide class of bankruptcy debtors);
- *Mazola, et al v. The May Department Stores Company*, United States District Court, District of Massachusetts, Civil No. 97-

10872-NG (class action settlement in favor of nationwide class of bankruptcy debtors);

- *Conley, et al v. Sears, Roebuck & Company*, CA No. 97-11149-PBS, United States District Court for the District of Massachusetts and *Brioso, et al v. Sears, Roebuck & Company*, 97-1222-CJK, United States Bankruptcy Court, District of Massachusetts [MDL No. 1185] (class action settlement in favor of nationwide class of bankruptcy debtors);
- *Donlevy v. First Commercial Mortgage Co., Inc, et al*, CA No. No. 96-11401-GAO, United States District Court, District of Massachusetts (class action settlement in favor of nationwide class of consumer mortgage borrowers);
- *Coppola, et al v. Wendover Funding, Inc, et al*, CA No. 96-11458-PBS, United States District Court, District of Massachusetts (class action settlement in favor of nationwide class of consumer mortgage borrowers);
- *Davis, et al v. GE Capital Mortgage Services, Inc.*, Civil No. 95-2043, United States District Court for the District of New Jersey (class action settlement in favor of national class of consumer mortgage borrowers);
- *Dwyer, et al v. Barco Auto Leasing Corporation, Barron Chevrolet, Inc., and Bernardi, Inc.*, CA No. 95 - 10888-WGY, United States District Court, District of Massachusetts (class action settlement as to the defendants Barron and Bernardi in favor of statewide class of consumer lessees of motor vehicles); and
- *Black, et al v. Mitsubishi Motors Credit of America, Inc.*, Civil Action No. 94C-3055, United States District Court for the Northern District of Illinois, Eastern Division (class action settlement in favor of national class of consumer lessees of Mitsubishi motor vehicles).

OUR ATTORNEYS

Gary Klein is admitted to practice before the Supreme Judicial Court of Massachusetts, the First, Second, Third, Sixth, and Seventh Circuit Courts of Appeals, and the United States Supreme Court. He is a graduate of Rutgers Law School (J.D. 1985) and Yale University (B.A. 1980). Mr. Klein is a nationally recognized expert on consumer law and consumer education. His practice focuses upon unfair business practice cases, consumer protections for predatory lending, mortgage discrimination, creation of sustainable homeownership opportunities, and consumer bankruptcy.

From 1991 to 2000, Mr. Klein was a Senior Attorney at the National Consumer Law Center and Director of the Center's Sustainable Homeownership Initiative. Prior to joining NCLC, Mr. Klein was a managing attorney at New Hampshire Legal Assistance in Manchester, and a staff attorney at Community Legal Services, Inc. in Philadelphia, PA. From 1987 to 1988, Mr. Klein was a law clerk to the Honorable Bruce I. Fox of the United States Bankruptcy Court For The Eastern District Of Pennsylvania.

His litigation has involved groundbreaking issues in consumer protection and civil rights law. Reported decisions in cases he has argued include:

- *In re Ameriquest Mortgage Co. Mortgage Lending Practices Litigation*, 2007 WL 1202544 (N.D.Ill., 2007).
- *In re: Ocwen Loan Servicing, LLC Mortgage Servicing Litigation*, 491 F.3d 638 (7th Cir. 2007).
- *In re Hoskins*, 102 F.3d 311 (7th Cir. 1996).
- *Lomas Mortgage Co. v. Louis*, 82 F. 3rd 1 (1st Cir. 1995).

- Counsel for Amicus Curiae, *Field v. Mans*, 516 U.S. 59 (1995).
- *Miller v. Countrywide Bank, NA*, 571 F. Supp. 2d 251 (D. Mass. 2009).
- *Pettway v. Harmon Law Offices, P.C.*, 2005 WL 2365331, (D. Mass. 2005).
- *Scott v. Fairbanks Credit Corp.*, 284 F. Supp. 2d 880 (S. D. Ohio, 2003).
- *Myers v. Federal Home Loan Mortgage Co.*, 175 B.R. 122 (Bankr. D. Mass. 1994).
- *In re Fleet*, 122 B.R. 910 (Bankr. E.D. Pa. 1990).
- *In re Milbourne*, 108 B.R. 522 (Bankr. E.D. Pa. 1989).
- *In re Russell*, 72 B.R. 855 (Bankr. E.D. Pa. 1987).

Mr. Klein has also written and spoken extensively on consumer law and specifically on predatory lending and consumer bankruptcy issues. His publications include:

“Causes of the Subprime Foreclosure Crisis and the Availability of Class Action Responses” 2 Northeastern University Law Journal 137 (Spring 2010) (with Shennan Kavanagh).

Editor, *Consumer Bankruptcy Law and Practice*, The Consumer Credit and Legal Practice Series (National Consumer Law Center, 6th ed. 2000).

Repossessions and Foreclosures, (National Consumer Law Center, 4th ed. 1999).

Contributing Author, *Truth in Lending*, (National Consumer Law Center, 4th ed. 2000).

Surviving Debt: A Guide for Consumers, (3rd ed. 1999).

“Remedies for Discharge Violations” American Bankruptcy Institute Law Journal (November/December 2000).

“Legislative Intent or Judicial Myth-making? No Legislative History Supports Policy Argument Advanced Against Stripdown”, American Bankruptcy Institute Law Journal (December/January 2000).

“Consumer Bankruptcy: Providing a Safety Net for Overwhelmed Families” (Senate Testimony), 52 Consumer Finance Law Quarterly Rep. 185 (Spring, 1998).

Seminars he has conducted include:

“Mortgage Lending Update,” Consumer Financial Services Litigation Institute, Practicing Law Institute (March, 2008).

“Litigation Update,” Subprime Credit Crisis: Everything You Need to Know, Practicing Law Institute (March, 2008).

“Introduction to Consumer Class Actions,” Consumer Rights Litigation Conference (October, 2007).

“Predatory Lending as a Fair Housing Issue,” New Orleans Fair Housing Action Center (June 2004).

“Preventing Predatory Lending,” Milwaukee Fair Housing Center (June 2004).

“Mortgage Servicing Issues,” Consumer Financial Services Litigation Seminar, Practicing Law Institute (April, 2004).

“Predatory Mortgage Loans and Bankruptcy,” American Bankruptcy Institute (July, 2003)

“Preserving the American Dream,” A series of seminars on foreclosure prevention and financial literacy for Housing Counselors, Neighborhood Reinvestment Institute (1998–2000).

“Preserving the American Dream: Loss Mitigation for Homeowners,” A series of 10 trainings for the Department of Housing and Urban Development (1997 – 1998).

Mr. Klein has testified frequently before both houses of Congress on consumer credit issues and the Bankruptcy and his legislative advocacy included successfully lobbying Congress in 1994 for passage of the Homeownership and Equity Protection Act (HOEPA) and organizing opposition to credit industry efforts to revise the nation’s bankruptcy laws. He is a past director of the National Association of Consumer Bankruptcy Attorneys and of the American Bankruptcy Institute.

John Roddy has been admitted to practice before the Massachusetts Supreme Judicial Court since 1980 and the District Court for the District of Massachusetts and the First Circuit Court of Appeals since 1981. He is a graduate of Boston College Law School (J.D., cum laude, 1980) and the University of Massachusetts at Amherst (B.A., magna cum laude, 1976). Virtually all of Mr. Roddy’s practice has involved litigation on behalf of consumers, representing individuals and classes injured by predatory lending, abusive debt collection and other unfair and deceptive business practices.

From 1980 –1987 Mr. Roddy served as an Assistant Attorney General in the Massachusetts’ Attorney General’s Office. From 1980–1985, as an attorney in the Consumer Protection Division, he enforced state and federal consumer protection laws on behalf of affected Massachusetts consumers. From 1986–1987 Mr. Roddy was Legislative Counsel to the Attorney General, in the office’s Executive Bureau.

Mr. Roddy has written and spoken extensively on consumer law and specifically on consumer class action litigation:

"Class Actions In Bankruptcy Court: Jurisdiction and Remedial Issues" in *Consumer Financial Services Litigation* (Practising Law Institute, April, 2002).

"The Crossroads of Privacy and Credit: Class Liability Under the Fair Credit Reporting Act" in *Consumer Financial Services Litigation* (Practising Law Institute, April, 2001).

"Unrefunded Credit Insurance Premiums: A MultiMillion Dollar Constructive Trust" in *Consumer Financial Services Litigation* (Practising Law Institute, April, 2000).

"Measuring Liability for the Sale of Ancillary Products: Credit Insurance" in *Banking and Consumer Financial Services Summit* (Fulcrum Information Services, November, 1999);

"Remedies For Systemic Violations Of The Bankruptcy Discharge" in *Consumer Financial Services Litigation* (Practising Law Institute, April, 1999);

"Deconstructing TILA" 14 *Review of Banking and Financial Services* 87 (May, 1998);

"Reversing Field: Is There A Trend Toward Abrogating Truth in Lending?" in *Consumer Financial Services Litigation* (Practising Law Institute, May, 1998);

"Reaffirmation Abuses: Class Remedies," in *Consumer Financial Services Litigation* (Practising Law Institute, December, 1997);

"Developments in Residential Mortgage Litigation," 13 *Review of Banking and Financial Services* 83 (April, 1997);

“Yield Spread Premium Upselling and Mortgage Payoff Fees,” in *Consumer Financial Services Litigation* (Practising Law Institute, April, 1997);

Contributor, *Consumer Law Pleadings, Volumes 9 (2003); 8 (2002); 5 (1999), 3 (1997) and 1 (1995)*, National Consumer Law Center (annual compendium of pleadings from significant consumer litigation nationwide);

“Residential Mortgage Litigation,” in *Financial Services Litigation* (Practising Law Institute, 1996) (with Daniel A. Edelman);

Contributor, *Truth in Lending*, National Consumer Law Center (3d. Ed. 1995);

“Truth in Lending Rescission as Foreclosure Defense” in *National Consumer Rights Litigation Conference* (published materials, National Consumer Law Center, 1994).

For the past nine years Mr. Roddy has co-chaired the Practising Law Institute’s multi-cite conference on consumer credit class action litigation, Consumer Financial Services Litigation, and has conducted trainings for legal services and private attorneys in consumer credit law and litigation, focusing on the Truth in Lending Act and Fair Debt Collection Practices Act.

Elizabeth A. Ryan practices in the areas of class actions and consumer credit litigation. A graduate of Catholic University (J.D., 1985) and the College of the Holy Cross (B.A., 1981), she is admitted to the state and federal district courts of Massachusetts and the First Circuit Court of Appeals. Ms. Ryan has been involved in hundreds of cases involving consumer protection issues, and has served as a panelist in trainings on consumer law conducted by the National Consumer Law Center, the Massachusetts Continuing Legal

Education and the Florida State Bar. Ms. Ryan is a member of the National Association of Consumer Advocates and a former Consumer Law Fellow, National Consumer Law Center (1993). She is a contributing author to *Repossession & Foreclosures* (National Consumer Law Center, 5th ed. 2002), and to *Consumer Credit Law Manual* (National Consumer Law Center, 2003).

From 1990 to 1993, Ms. Ryan was a supervising attorney at D.C. Law Students in Court, a civil litigation clinic for students at the five law schools in Washington D.C., specializing in housing law and consumer bankruptcy. From 1987 to 1990, Ms. Ryan was a staff attorney at Neighborhood Legal Services in Washington D.C. where she represented low income clients in landlord-tenant and consumer cases. From 1986 to 1987, Ms. Ryan served as law clerk to the Honorable Nan Huhn of the D.C. Superior Court.

Shennan Kavanagh specializes in complex consumer finance litigation. A graduate of Suffolk University Law School (J.D., *cum laude*, 2002) and the University of Vermont (B.A., 1997), she is admitted to the state and federal courts in Massachusetts. In recent years, her practice focuses on challenges to unfair and discriminatory mortgage lending practices and on class actions involving lenders' abuses of the Bankruptcy Code.

Ms. Kavanagh was a speaker at the National Consumer Law Center's annual national conference on class action practice and mortgage lending discrimination litigation, in November 2007 and October 2008, respectively. She was a panelist for Boston's Fair Housing Center's Community Forum on Foreclosures and Predatory Lending in April 2007 and for Northeastern University Law Journal's

March 2009 symposium: "Shelter From The Storm: Advocacy In The Subprime Fallout." She was a speaker on a Boston Bar Association panel on Multidistrict Litigation practice in March 2010.

She trained lawyers on defending foreclosures and litigating predatory lending cases in conjunction with the Massachusetts Attorney General's Office and the Massachusetts Fair Housing Center in June 2008. In May 2009, she trained lawyers on litigating fair lending cases through the Boston Bar Association's Continuing Legal Education program.

Currently, Ms. Kavanagh is serving as co-chair of the Boston Bar Association's Class Action Committee and is a member of the National Association of Consumer Advocates. She recently co-authored an article for Northeastern University's Law Journal, *The Causes of the Subprime Foreclosure Crisis and the Availability of Class-Action Responses* 2 N.U.L.J. 137 (2010).

Ms. Kavanagh has been a *pro bono* attorney at the Legal Advocacy and Resource Center in Boston, advising low-income clients on a variety of consumer law issues. She was also a *pro bono* attorney at the Volunteer Lawyers Project in Boston where she represented low-income clients in bankruptcy proceedings. Prior to law school, Ms. Kavanagh served as a Peace Corps volunteer in Guinea, West Africa teaching ESL from 1997 to 1999.

Kevin Costello is admitted to practice before the courts of the commonwealths of Massachusetts and Pennsylvania, as well as the United States District Courts of Massachusetts and the Eastern District of Pennsylvania. He is a 1996 honors graduate of Boston

College, and a 2001 honors graduate of the University of Pennsylvania Law School.

Mr. Costello has an extensive history of using the law to protect vulnerable classes of people. Prior to law school, he was a legal advocate to homeless adults at the Urban Justice Center in New York City as a member of the Jesuit Volunteer Corps, as well as a staff advocate for low income homeowners at the Ecumenical Social Action Committee in Jamaica Plain, Massachusetts. After law school internships with legal aid organizations in New York and San Francisco, Mr. Costello was an Independence Fellow and staff attorney at the Elderly Law Project of Community Legal Services in North Philadelphia, helping seniors navigate the health care system. He also practiced at a litigation boutique in Boston.

Mr. Costello also served as a law clerk to the Honorable Francis X. Spina of the Massachusetts Supreme Judicial Court and to the Honorable Joseph H. Rodriguez of the U.S. District Court for the District of New Jersey in Camden.